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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 STEVEN R. HALVERSON,

11 Petitioner,

12 vs.

13 QUINTIN BYRNE, *et al.*,

14 Respondents.
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Case No. 3:16-cv-00025-HDM-VPC

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner.

19 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the
20 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*
21 *forma pauperis* should be granted.

22 The petition in the instant action challenges petitioner's state conviction for conspiracy to
23 commit robbery and robbery with the use of a deadly weapon, in the Eighth Judicial District Court
24 for the State of Nevada, Case No. 07C231500. Petitioner previously challenged the same
25 conviction in this Court, filed under case number 2:10-cv-02083-PMP-GWF. The petition in case
26 number 2:10-cv-02083-PMP-GWF was dismissed as procedurally defaulted. (ECF No. 17 in 2:10-
27 cv-02083-PMP-GWF).
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1 A successive habeas petition may not be filed in this Court unless the petitioner has obtained
2 permission from the Ninth Circuit Court of Appeals. *See* 28 U.S.C. § 2244(b)(3)(A) (“Before a
3 second or successive application permitted by this section is filed in the district court, the applicant
4 shall move in the appropriate court of appeals for an order authorizing the district court to consider
5 the application.”). Petitioner has made no allegation or showing that he has obtained such
6 permission from the Court of Appeals. Therefore, this action will be summarily dismissed.

7 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
8 No. 1) is **GRANTED**. Petitioner is not required to pay the filing fee for this action.

9 **IT IS FURTHER ORDERED** that the Clerk of Court shall separately file the petition,
10 which is attached to the application to proceed *in forma pauperis*.

11 **IT IS FURTHER ORDERED** that petitioner’s motion for appointment of counsel (ECF
12 No. 1-2) and motion to file extra pages (ECF No. 1-3) are **DENIED**.

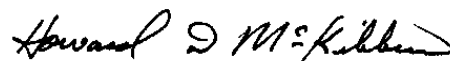
13 **IT IS FURTHER ORDERED** that the Clerk of Court shall add Adam Paul Laxalt,
14 Attorney General of the State of Nevada, to the CM/ECF docket, as counsel for respondents. The
15 Clerk of Court shall electronically serve respondents with a copy of the habeas corpus petition and a
16 copy of this order. Respondents need take no action with respect to this case.

17 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice as a
18 successive petition.

19 **IT IS FURTHER ORDERED** that petitioner is **DENIED** a certificate of appealability.

20 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

21 Dated this 13th day of September, 2016.

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24 HOWARD D. McKIBBEN
25 UNITED STATES DISTRICT JUDGE
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